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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MIGUEL CALVILLO AGUSTIN,  
  
Defendant.

CASE NO. 1:23-CR-00232-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: July 10, 2024

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 10, 2024.
2. By this stipulation, defendant now moves to continue the status conference until October 23, 2024, and to exclude time between July 10, 2024, and October 23, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying, or is in the process of being produced.
  - b) Counsel for defendant desires additional time to review discovery, conduct any investigation, and discuss this matter, including potential resolutions, with the defendant in order

1 to prepare for trial.

2 c) Counsel for defendant believes that failure to grant the above-requested  
3 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
4 into account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the  
7 case as requested outweigh the interest of the public and the defendant in a trial within the  
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
10 et seq., within which trial must commence, the time period of July 10, 2024 to October 23, 2024,  
11 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
12 because it results from a continuance granted by the Court at defendants' request on the basis of  
13 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
14 of the public and the defendants in a speedy trial.

15 g) The parties also agree that this continuance is necessary for several reasons,  
16 including but not limited to, the need to permit time for the parties to exchange supplemental  
17 discovery, engage in plea negotiations, and for the defense to continue its investigation and  
18 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 25, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

Dated: June 25, 2024

/s/ VICTOR PEREZ  
VICTOR PEREZ  
Counsel for Defendant  
MIGUEL CALVILLO  
AGUSTIN

**ORDER**

IT IS SO ORDERED that the status conference is continued from July 10, 2024, to **October 23, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **June 25, 2024**

*/s/ Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE